Supreme Court, U.S.
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OFFICE OF THE CLERK

In The

# Supreme Court of the United States

IN RE: MICHAEL R. SHEMONSKY,

*Petitioner.*

**PETITION FOR WRIT OF MANDAMUS**

MICHAEL R. SHEMONSKY
523 6th Street
Weatherly, PA 18255
(570) 427-4958

## QUESTIONS PRESENTED

1. Does the U.S. government have the right to arrest and abuse Michael R. Shemonsky for filing a motion in the U.S. Court of Appeals for the Third Circuit, which was docketed and a briefing schedule established?

2. Does the Pennsylvania Supreme Court have jurisdiction on appeals of original jurisdiction from the Commonwealth Court of Pennsylvania?

3. Does the Pennsylvania Supreme Court have original jurisdiction on Writs of Mandamus?

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## PETITION FOR WRIT OF MANDAMUS

Petitioner, Michael R. Shemonsky, respectfully prays that a Writ of Mandamus be issued upon the Pennsylvania Supreme Court to compel them to docket the appeals of Michael R. Shemonsky and to return the assets of Atlantic Financial plus court award damages from January 11, 1990, as well as civil rights damages.

## OPINIONS BELOW

The unpublished opinion of the Supreme Court of Pennsylvania appears in Appendix A. The unpublished opinion of the Commonwealth Court of Pennsylvania appears in Appendix B. The unpublished opinion of the Supreme Court of Pennsylvania appears in Appendix C.

## JURISDICTION

The Court of Appeals order in this matter was filed January 24, 2007. This court's jurisdiction is invoked under Title 28 U.S.C. Section 1651(A) and Pennsylvania Statute 42 Sections 721 and 723.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment V to the United States Constitution is set forth in Appendix D, exhibit to this petition.

## STATEMENT OF THE CASE

Michael R. Shemonsky, Petitioner, is the alter ego of Atlantic Financial, a savings and loan.

On May 1, 1982, Atlantic Financial loaned the United States government $458,654,000.00 at 45% interest compounded daily for supervisory goodwill contracts.

On August 9, 1989, the United States government breached its supervisory goodwill contracts with the passage of FIRREA, a Fifth Amendment taking.

On January 11, 1990, M. Danny Wall, the unconstitutionally appointed director of the Office of Thrift Supervision illegally and fraudulently seized Atlantic Financial even though our receivable totaled $1,064,422,972.00 from the United States government (U.S. v. Winstar Corp. et al., 518 U.S. 839 (1996)).

On January 7, 1994, the F.B.I. illegally arrested the Petitioner without a warrant or indictment. (Violation of the Fifth Amendment of the Constitution.)

On January 16, 2003, Thomas Vanaskie, Chief Judge of the United States District Court for the Middle District of Pennsylvania, ordered an injunction from the bench without a hearing, restraining Petitioner from filing any papers in any court pertaining to his illegal arrest and/or Atlantic Financial. (Violation of the Fifth Amendment of the Constitution.)

On August 17, 2004, the Third Circuit Court of Appeals denied judicial fraud on case No. 90-5392, subject to Supreme Court review.

On July 15, 20[illegible] the F.B.I. illegally arrested the Petitioner without an indictment or probable cause. (Violation of the Fifth Amendment of the Constitution.)

## REASONS FOR GRANTING THE WRIT

1. Shemonsky, the party seeking the writ, does not have any other means to obtain the desired relief due to fraud by the Supreme Court of Pennsylvania.
2. Shemonsky was harmed by a prejudicial appeal by the Supreme Court of Pennsylvania.
3. The Supreme Court of Pennsylvania abused their discretion.
4. The per curium Judge of the Pennsylvania Supreme Court erred and abused his discretion.
5. The writ raises important and novel problems or issues of law.

## REASONS FOR NOT MAKING APPLICATION IN THE DISTRICT

The writ raises constitutional issues concerning the illegal arrest by the F.B.I. and subsequent commitment by the court, as well as the illegal restraining order by the United States District Court for the Middle District of Pennsylvania with multiple criminal violations by the judicial officers of the court.

## EXCEPTIONAL CIRCUMSTANCES TO WARRANT THE COURT'S DISCRETIONARY POWERS

Petitioner bought stocks and bonds in a savings and loan, Atlantic Financial Federal, and has been arrested by the F.B.I. and committed to Butner North Carolina Mental Hospital as well as M.C.C. in New York. Also, Petitioner has numerous injunctions against him, put in place by the Third Circuit Court of Appeals, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania. Petitioner has proven to the F.B.I. Bank Fraud Squad in Philadelphia, Pennsylvania, that the savings and loan crisis was indeed a beguiling by Ronald Reagan and George H.W. Bush. Petitioner has found no other means of obtaining relief from any other court.

## CONCLUSION

It is the opinion of Petitioner that there has been a conspiracy by the United States government and its judicial system. Therefore, petitioner seeks relief through the exercise of this Court's powers.

Dated: August 11, 2007

Respectfully submitted,

MICHAEL R. SHEMONSKY
523 6th Street
Weatherly, PA 18255
(570) 427-4958

**APPENDIX A**

**IN THE SUPREME COURT OF PENNSYLVANIA**
**MIDDLE DISTRICT**

| | |
|---|---|
| MICHAEL R. SHEMONSKY, Appellant v. U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA AND THIRD CIRCUIT JUDICIAL COUNCIL, Appellees | No. 128 MAP 2006 : Appeal from the Order of the Commonwealth Court entered on November 9, 2006 at No. 581 M.D. 2006 |

**ORDER**

**PER CURIAM**

**AND NOW**, this 24th day of January, 2007, the above-captioned appeal is quashed.

## APPENDIX B

## IN THE COMMONWEALTH COURT OF PENNSYLVANIA

| | | |
|---|---|---|
| Michael R. Shemonsky, Plaintiff | : | |
| v. | : | |
| U.S. District Court for the Eastern District of Pennsylvania and Third Circuit Judicial Council, Defendants | : | No. 581 M.D. 2006 |

**PER CURIAM ORDER**

NOW, November 9, 2006, upon consideration of plaintiff's "writ of mandamus," which seeks relief from the U.S. District Court for the Eastern District of Pennsylvania and the Third Circuit Judicial Council, and it appearing that this Court does not have jurisdiction over this matter, the "writ of mandamus" is dismissed.

## APPENDIX C

**THE DISCIPLINARY BOARD**
**OF THE**
**SUPREME COURT OF PENNSYLVANIA**

[LOGO]

**OFFICE OF DISCIPLINARY COUNSEL**

[Names And Addresses Omitted In Printing]

June 29, 2006

**PERSONAL & CONFIDENTIAL**

Michael R. Shemonsky
523 Sixth Street
Weatherly, PA 18255

Re: Your Complaint against Hon. Thomas Michael Blewitt File No. C3-06-342

Dear Mr. Shemonsky:

On June 23 and 26, 2006, I received what you have identified as "additional evidence" relative to your dismissed complaint against Hon. Thomas Michael Blewitt. However, what you have provided is not evidence of any misconduct. Further, from page 2 of your Brief to the United States Supreme Court, it appears that the conduct you are complaining about occurred in 1994, twelve years ago. Disciplinary Board Rule §85.10 generally prohibits consideration of any complaint arising out of acts or omissions occurring more than four years prior to the date of the complaint. Thus, it appears that your complaint could not now be considered anyway.

Very truly yours,

/s/ Edwin W. Frese, Jr.
Edwin W. Frese, Jr.
Disciplinary Counsel-in-Charge
District III

THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA

[LOGO]

**OFFICE OF DISCIPLINARY COUNSEL**

[Names And Addresses Omitte ` In Printing]

May 11, 2006

**PERSONAL & CONFIDENTIAL**

Michael R. Shemonsky
523 Sixth Street
Weatherly, PA 18255

Re: Your Complaint against Hon. Thomas Michael Blewitt File No. C3-06-342

Dear Mr. Shemonsky:

This will acknowledge our receipt on May 10, 2006, of your Complaint Information Form dated May 1, 2006 wherein you file a complaint against Federal Magistrate Thomas Michael Blewitt. Following review and analysis of the information you have provided, I must advise you that disciplinary action is not warranted.

Before this office can take disciplinary action against an attorney, we must have clear and satisfactory evidence establishing that the attorney violated one or more of the Rules of Professional Conduct, a set of minimum ethical standards with which all attorneys must abide. While the Rules are quite broad in their scope, they simply do not prohibit all conduct by an attorney which might be considered improper, unprofessional, or even "unethical." Unless we can prove a violation, we can take no action.

In our view, the circumstances do not indicate Magistrate Blewitt violated any of the Rules of Professional Conduct. *You claim that Magistrate Blewitt approved a fraudulent warrant and then committed you without a psychiatrist.* Whether there was probable cause for your arrest and commitment are questions for the District Court to decide, not the Disciplinary Board. Additionally, you have provided no evidence to support your allegations. Indeed, the few documents you did provide raise serious questions about your mental health in July of 2005.

Since we do not believe the available evidence would clearly and satisfactorily establish Magistrate Blewitt violated a Rule of Professional Conduct, following review by another Disciplinary Counsel in this office, your complaint has been dismissed. We can be of no service or assistance to you in this matter.

With few exceptions, the attorney disciplinary system is confidential and remains so unless and until formal disciplinary charges are filed by the Office of Disciplinary Counsel against the respondent-attorney with the Disciplinary Board and the respondent-attorney has had the opportunity to answer those charges. Complainants and third parties who maintain the confidentiality of a disciplinary investigation are immune from civil suit based upon their communications with this office. Those who disclose the existence or status of a disciplinary complaint or investigation to anyone other than their own attorney may lose their immunity.

Finally, it is the policy of Disciplinary Counsel to keep dismissed complaint files for a period of two years, after which they are destroyed.

Very truly yours,

/s/ Edwin W. Frese, Jr.
Edwin W. Frese, Jr.
Disciplinary Counsel-in-Charge
District III

## APPENDIX D

### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.